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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ.
HON'BLE SHRI D.R. DESHMUKH, J.

WRIT PETITION No.1568 OF 2006

PETITIONER Chhattisgarh Chemical Mill Mazdoor Sangh – Through its President, Janak Lal Thakur, S/o Late Shri Sukhram Thakur, Aged about 53 years, R/o Konde Road, Camp-1, Dalli Rajhara, Dist. Durg (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through : The Secretary Excise Department, DKS Bhawan, Raipur (C.G.)
2. The Excise Commissioner, Excise Department, Raipur (C.G)
3. The General Manager, Liquor Warehouse, Nandini Road, Bhilai, Dist. Durg (C.G.)

Present : Shri Anoop Majumdar, learned counsel for the petitioner.
Shri Prashant Mishra, learned Additional A.G. for the State.

ORAL ORDER
(Passed on 19th April, 2006)

The following oral order of the Court was passed by

S.R. NAYAK, CJ.

In this writ petition, the petitioner, Chhattisgarh Chemical Mill Mazdoor Sangh, has assailed the constitutional validity of Clause (a) of Rule 2 of the Chhattisgarh Country Spirit Rules, 1995 (for short "the Rules") which defines "Manufacturing Warehouse" as substituted by the Notification dated 20-01-2006. In W.P. No. 1538/2006, preferred by Chhattisgarh Chemical Mazdoor Union, Durg the constitutional

validity of the same provision was assailed. This Court by its judgment and order dated 03/04/2006 has upheld the validity of Clause (a) of Rule 2 of the Rules as substituted by the Notification dated 20-01-2006 and dismissed the writ petition.

2. In that view of the matter, this writ petition is also liable to be dismissed. We accordingly dismiss the writ petition for the same reasons set out in our order dated 03/04/2006, passed in W.P. No. 1538/2006. No costs.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge